



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 01-1288
May 25, 2001

Low Power Television Auction No. 81 **Non-Mutually Exclusive Proposals**

Mass Media Bureau Announces June 25, 2001, FCC Form 346 Application Deadline

On June 23, 2000, the Mass Media Bureau and Wireless Telecommunications Bureau (Bureaus) announced a limited auction filing window for certain low power television (LPTV), television translator, and Class A television broadcast stations.¹ The filing window was partially extended to permit the engineering portion of the filing to be submitted up to August 31, 2000.² By this public notice, the Video Services Division, under delegated authority, provides as Attachment A a list of all proposals received during the filing window, as partially extended, that are not mutually exclusive with any other proposal submitted in the filing window.³ Since the proposals listed in Attachment A are not mutually exclusive with any other proposal, *i.e.*, since they are “singletons,” they will not be subject to the Commission’s auction procedures.⁴ By this

¹ See Notice and Filing Requirements Regarding July 31 through August 4, 2000, Limited Low Power Television/Television Translator/Class A Television Auction Filing Window, *Public Notice*, DA 00-1383, released June 23, 2000. Since any mutually exclusive application filed during the window would be subject to the Commission’s auction procedures, applicants were required to file electronically an FCC Form 175, Application to Participate in an FCC Auction, by the August 4, 2000 deadline. LPTV and television translator filers were required also to file Section I, the Tech Box portion of Section III, and Question 12 of Section III of FCC Form 346. Class A television filers were required also to submit Section I and the Tech Box portion of Section III of FCC Form 301-CA.

² See Limited Low Power Television/Television Translator/Class A Television Auction Filing Window Partially Extended to August 31, 2000, *Public Notice*, DA 00-1648, July 25, 2000.

³ Other non-mutually exclusive proposals from this window were identified on *Public Notice*, DA 01-383, released February 13, 2001.

⁴ See 47 U.S.C. § 309(j); 47 C.F.R. § 73.5005(d); *First Report and Order, Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, 13 FCC Rcd 15920, 15944 (1998) (“*Broadcast Auction First Report and Order*”).

public notice, the Video Services Division announces processing procedures for the singleton proposals. In another public notice being released this day, the Bureaus have announced those proposals that are mutually exclusive and have afforded those parties a 60-day window of opportunity to settle their mutual exclusivity. Following the settlement period, the Bureaus will propose an auction date and auction procedures for selecting among the remaining MX proposals.

Required Forms and Fee: The parties listed in Attachment A must now submit a complete FCC Form 346 (June 2000 version) by June 24, 2001, pursuant to the procedures set forth in the Commission's rules.⁵ Along with an FCC Form 346, parties must also by June 25, 2001 submit the required application filing fee of \$570.00 for an FCC Form 346 and an FCC Form 159, Remittance Advice.⁶

Applicants filing their FCC Form 346 in paper form should check the appropriate response to Question 5 of Section I (either "new station," "major modification of construction permit" or "major change in licensed facility") and include the file number listed in Attachment A in the space provided in Question 5(a) of Section I of the Form.

Where to File: To submit by mail, send an original and two copies of the FCC Form 346 application and an original FCC Form 159 to: Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, Pennsylvania 15251-5190.⁷ To hand carry, in person or by courier, deliver an original and two copies of the FCC Form 346 application to: Mellon Bank, Three Mellon Bank Center, 525 William Penn Way, 27th Floor, Room 153-2713, Pittsburgh, Pennsylvania 15259-0001 (Attention: Wholesale Lockbox Shift Supervisor). Applicants should send a courtesy copy of each FCC Form 346 application to Hossein Hashemzadeh, Video Services Division, Mass Media Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Applicants may also file their FCC Form 346 application(s) electronically. For electronic application filers, an FCC Form 159 in payor form should also be sent to the Federal Communications Commission in the manner set forth above. Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at:

<http://www.fcc.gov/mmb>

For assistance with electronic filing, call the Mass Media Bureau Help Desk at (202) 418-2MMB.

The staff will return applications not submitted in accordance with the procedures described above. The staff will dismiss, without further processing, the previously filed

⁵ See 47 U.S.C. § 8; 47 C.F.R. §§ 0.401(b), 1.1104, 1.1109, 1.1110, 73.5005(d), 73.3512.

⁶ See 47 C.F.R. § 1.1104 and the Mass Media Bureau Application Fee Filing Guide available at the following Internet location: <http://www.fcc.gov/fees/2000mmbguide.pdf>

⁷ See 47 C.F.R. §§ 0.401(b), 1.1104.

technical submissions of any applicant that fails to submit the complete FCC Form 346 and/or pay the requisite filing fee by **June 25, 2001**.⁸

Acceptance and Petition to Deny Filing Period. Inclusion on Attachment A of this Public Notice does not constitute acceptance of a proposal. The staff will study the submitted FCC Form 346 applications for acceptability. It will subsequently announce applications determined to be acceptable for filing and for which the staff is prepared to grant. Petitions to deny these FCC Form 346 applications must be filed within 15 days following the release of the public notice announcing acceptance of the applications at issue.⁹ Interested parties should monitor these public notices.

For additional information, contact Shaun Maher (legal) or Hossein Hashemzadeh (technical) of the Video Services Division at (202) 418-1600.

This Public Notice contains the following Attachment:

Attachment A: Non-Mutually Exclusive Proposals Not Subject to Auction

⁸ See 47 C.F.R. § 73.5005. Pursuant to procedures adopted in the *Broadcast Auction First Report and Order*, non-mutually exclusive applicants filing FCC Form 346 applications may change the technical proposals specified in their previous filing. However, such non-mutually exclusive applicants may not specify in the FCC Form 346 application a change in the proposed facility that constitutes a major change from the facility specified earlier, nor may applicants create new mutual exclusivity or application conflict. See *Broadcast Auction First Report and Order*, 13 FCC Rcd at 15991.

⁹ See 47 C.F.R. § 73.5006.

ATTACHMENT A

BNPTT	20000830BSI	131194	ACME TELEVISION LICENSES OF OREGON, LLC	21	NEHALEM & ROCKAWAY	OR
BNPTT	20000831CGE	130859	ACME TELEVISION LICENSES OF UTAH, LLC	40	ROOSEVELT	UT
BNPTT	20000831AUJ	128242	ACME TELEVISION LICESNSES OF UTAH	40	DUCHESNE	UT
BMAPTTL	20000831CMS	2712	ARIES TELECOMMUNIC ATION CORPORATION	31	MENOMINEE	MI
BMJPTT	20000831CKN	57448	AZTECA BROADCASTING CORPORATION	66	SALT LAKE CITY	UT
BNPTTL	20000831BQT	129236	BELL MOUNTAIN COMMUNICATIO NS, INC.	39	BRADY	TX
BMJPTTV	20000831CKK	8303	CALIFORNIA OREGON BROADCASTING , INC.	2	GOLD HILL	OR
BMJPTTV	20000831AMS	8235	CALIFORNIA OREGON BROADCASTING , INC.	13	JACKSONVILLE, ETC.	OR
BNPTTL	20000831AHS	127403	DAVID PRIMM	16	BARSTOW	CA
BNPTT	20000828ALK	126978	ELKO TELEVISION DISTRICT	47	ELKO	NV
BNPTT	20000828BCV	129068	ELKO TELEVISION DISTRICT	32	ELKO	NV
BNPTTL	20000831ANR	127930	EQUITY BROADCASTING CORPORATION	16	GLOBE	AZ
BNPTTL	20000831EIO	130779	G&M MEDIA PARTNERS, LLC	23	LAREDO	TX
BNPTTL	20000828AJL	126616	HUMBOLDT COUNTY	40	VALMY	NV

BNPTT	20000809AAU	125426	IRON COUNTY	49	NEW CASTLE, ETC	UT
BNPTT	20000808AAO	125357	IRON COUNTY	49	NEW CASTLE, ETC.	UT
BNPTVL	20000831ANB	127905	JOHN R. POWLEY	13	CHARLOTTESVI LLE	VA
BNPTTL	20000831BZM	129841	JOHN R. POWLEY	35	GEORGE WEST	TX
BNPTVL	20000829ANM	130039	KENNETH E. LEWETAG	4	NEWPORT	OR
BMJPTT	20000816ACP	35303	KOB-TV	47	TAOS	NM
BNPTTL	20000824AEE	130290	LANGER BROADCASTING GROUP, LLC	40	GRAND COULEE	WA
BNPTTL	20000831CBK	129906	MARK A. GOFF	58	MOHALL	ND
BNPTTL	20000831BZC	129827	MARK SILBERMAN	54	GRAND FORKS	ND
BNPTTL	20000831BYF	129774	MARK SILBERMAN	58	SHEEP SPRINGS	NM
BNPTTL	20000831BZQ	129842	MARK SILBERMAN	57	STINNETT	TX
BNPTTL	20000831CKV	131111	MARTIN WEISS	46	UTICA	NY
BNPTVL	20000831BPG	129161	MICHAEL MATTSON	5	ASTORIA	OR
BNPTT	20000815ABK	125546	MINERAL TELEVISION DISTRICT #1	18	MINA-LUNING	NV
BNPTTV	20000831BTH	129400	MOHAVE COUNTY BOARD OF SUPERVISORS	7	BULLHEAD CITY	AZ
BMAPTTL	20000821ABB	49972	OCEAN 22 BROADCASTING ASSN.	14	SUSSEX COUNTY	DE
BNPTTL	20000831EII	131265	PETE E.M. WARREN III	56	BIG SPRING	TX
BMAPTT	20000830BSE	55050	RAMAR COMMUNICATIO NS II, LTD	42	MATADOR	TX
BMJPTTL	20000830BPX	67433	RESORT SPORTS NETWORK, INC.	28	RED CLIFF	CO
BMAPTTL	20000831CJS	59500	RICE CAPITAL BROADCASTING CO, INC.	14	LAKE CHARLES	LA

BNPTTV	20000828BEU	130130	SAN JUAN COUNTY	4	MONTEZUMA CK/ANETH	UT
BMJPTTV	20000831CKM	13818	SMITH BROADCASTING GROUP, INC.	13	DOUGLAS, ETC.	AK
BMJPTTL	20000831COD	61489	SOUTHWEST COLORADO TELEVISION TRANSLATOR ASSOCIATION	14	CORTEZ	CO
BMJPTTL	20000831CNR	61473	SOUTHWEST COLORADO TELEVISION TRANSLATOR ASSOCIATION	20	CORTEZ, ETC.	CO
BNPTTL	20000831EIW	130727	TELECOM WIRELESS, LLC.	26	DOUGLAS	AZ
BNPTTL	20000831EKE	130764	TELECOM WIRELESS, LLC.	21	HENDERSON	TN
BNPTTL	20000831ELI	130672	TIGER EYE LICENSING, LLC	14	CARROLLTON	AL
BNPTTL	20000831ELK	130676	TIGER EYE LICENSING, LLC	20	CARROLLTON	AL
BNPTTL	20000831ELM	130684	TIGER EYE LICENSING, LLC	51	CARROLLTON	AL
BNPTVL	20000831ELG	130647	TIGER EYE LICENSING, LLC	7	TOPEKA	KS
BNPTT	20000830ATV	128932	TRINITY BROADCASTING NETWORK	41	HAYS	KS
BNPTTL	20000831AQP	128061	TRINITY CHRISTIAN CENTER OF SANTA ANA, INC.	35	OCEAN CITY	MD
BNPTT	20000831BYC	129769	TRINITY CHRISTIAN CENTER OF SANTA ANA, D/B/A TRINITY BOADCASTI	58	DULUTH	MN
BMAPTVL	20000831CNC	30081	WILM, INC.	10	WILMINGTON	NC
BNPTTL	20000831CHX	130950	WORD OF GOD FELLOWSHIP, INC.	28	DALTON	GA

BNPTTL	20000831CJZ	131060	WORD OF GOD FELLOWSHIP, INC.	27	DUNNELLON	FL
BNPTTL	20000831CKQ	131104	WORD OF GOD FELLOWSHIP, INC.	42	JACKSON	TN
BNPTVL	20000831CKL	131100	WORD OF GOD FELLOWSHIP, INC.	9	MAYO	FL
BNPTVL	20000831CKO	131101	WORD OF GOD FELLOWSHIP, INC.	6	MT. OLIVE	VA